

# Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

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## **Affordable Housing Appeals Procedure (C.G.S. 8-30g)**

Housing Committee Public Hearing – February 17, 2009

Testimony of Raphael L. Podolsky

<b>Recommended Legislative action: REJECT AMENDMENTS TO 8-30g</b>
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The Affordable Housing Appeals Procedure (C.G.S. 8-30g) is a critically important affordable housing anti-exclusionary zoning and fair housing law which helps make it possible to build long-term affordable housing in suburban and outlying towns. Its existence is essential to the implementation of municipal obligations under the Zoning Enabling Act (C.G.S. 8-2), which requires that all municipal zoning regulations “encourage the development of housing opportunities, including opportunities for multifamily dwellings” for residents of the town and the region and that they “promote housing choice and economic diversity in housing, including housing for both low and moderate income households.” Since its original adoption in 1989, the Act has undergone many amendments, including a full review and revision in 2000 based upon the report of the Blue Ribbon Commission on Affordable Housing. The changes contained in P.A. 00-206 strengthened the affordability requirements of the Act, improved the information available to towns, and rewarded towns in which a substantial amount of new affordable housing was developed with a moratorium under the Act. A summary of the Act and how it functions in the framework of zoning law is attached.

The Affordable Housing Appeals Procedure has proven itself repeatedly as a good, balanced law which helps reduce the negative impact of exclusionary zoning. At the same time, when a zoning commission has good reason for turning down an affordable housing application, the commission’s decision will be upheld by the courts. Commissions in fact win almost a third of appeals under the Act. In addition, the Act has made zoning commissions more willing to give serious consideration to affordable housing applications and has, in some cases, given formerly resistant towns the incentive necessary to take the initiative and affirmatively seek out ways to promote the development of affordable housing within their communities.

While it is always possible to improve any statute, all bills before the Housing Committee propose changes that would weaken the Act in one way or another -- from outright repeal to changes (some subtle, some obvious) that undercut its ability to function effectively. The cutbacks in state assistance for housing that have occurred in recent years and are likely to continue into the future make the preservation of 8-30g as a strong statute all the more important. I urge you to leave the statute alone and let it continue to operate at full strength.

Note: This testimony applies to the following 22 bills: 206, 207, 208, 5240, 5525, 5527, 5552, 5584, 5585, 5586, 5587, 5588, 5589, 5590, 5591, 5593, 5594, 5595, 5596, 5597, 5976, 5977

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## Common Myths about the Affordable Housing Appeals Procedure

February 17, 2009

**Myth:** The act has been substantially unchanged since its original adoption in 1989.

**Fact:** A Blue Ribbon Commission on Affordable Housing was created in 1999 to review the act and produced extensive recommendations, which were adopted by the General Assembly in 2000. Those changes addressed numerous municipal concerns. In particular, they significantly increased the affordability requirements of housing built under the act, expanded the information available to towns, clarified the mechanisms to enforce affordability, and authorized moratoriums from the act for towns in which substantial affordable housing qualifying under the act had been built. Criticisms based on pre-2000 applications should not be assumed to still apply to post-2000 applications.

**Myth:** The act requires towns to have 10% of their housing units affordable.

**Fact:** There is no such requirement. The 10% exemption from the act, which was borrowed from Massachusetts' version of this statute, is a way to exempt towns which already have a large amount of government-assisted or deed-restricted housing. There is no obligation of any town to reach the 10% level and no state goal expecting towns to do so. It is instead merely a mechanism to determine which towns are subject to the act.

**Myth:** Towns that are well below the 10% exemption are locked into the act forever and can never get out.

**Fact:** The 2000 amendments, as subsequently modified, allow towns with a high level of affordable housing construction to obtain a four-year moratorium from applications under the act. The moratorium is based on "housing unit-equivalent points" which give bonuses for rental housing and for housing targeted to households below 60% of median income, so that many units will count for more than one point. A town, no matter how far below the 10% exemption, can get a moratorium by earning housing unit-equivalent points equal to 2% of its housing stock.

**Myth:** The moratorium does not allocate points fairly.

**Fact:** The moratorium is carefully designed to encourage towns to make provision for low and moderate income family rental housing, which is the type of affordable housing that is most needed yet least likely to be approved by suburban towns. The moratorium uses "bonus" points to give extra credit for such housing. Thus, family housing receives more points than elderly housing and an extra half point is added for rental housing, units for households below 60% of median income, and units for households below 40% of median income. Because of the bonus point system, one way that a town can move quickly toward a moratorium is to work with a non-profit developer for the development of family rental units, all of which will be affordable and many of which will be for households below 60% of median income.

**Myth:** The units built under the act are not affordable.

**Fact:** The 2000 amendments increased the affordability requirements to assure that developments built under the act will always have a substantial number of units that are priced well below the typical units in the town's housing market and will be guaranteed affordable for an extended period of time. In an 8-30g set-aside development, at least 30% of the units must be deed-restricted for at least 40 years. Half of those units must be for households below 60% of median income. The cost of rental units cannot exceed a formula based on Section 8 fair market rents. The cost of ownership units must be based on realistic estimates of interest rates and the cost of insurance, taxes, heat, and utilities. Under these formulas, two-bedroom units targeted for households below 60% of median income (at least 15% of the development) must generally rent for less than about \$1,100 per month including heat and utilities or sell for less than about \$140,000. This is true, even in the high-priced housing market of lower Fairfield County. For comparison, last year the median single-family unit in Easton sold for more than \$750,000 and in Trumbull for about \$400,000. In Wilton, it was \$810,000.

**Myth:** Hardly any affordable housing units have been built under the act.

**Fact:** A 2006 analysis of construction under the act estimated that at least 3,300 affordable units have been built. In addition, there is reason to believe that many other affordable units have been approved by municipalities because of the existence of the act.

**Myth:** The Affordable Housing Appeals Procedure is not adequate as an affordable housing policy for the Connecticut.

**Fact:** The act was never intended to substitute for a state housing policy. It is one very essential piece of a policy, but it is not supposed to be the whole policy. At the time it was adopted, the state created two new municipal incentive programs – the Connecticut Housing Partnership and the Region Fair Housing Compact program – both of which came with financial incentives to participating towns. The state was also at that time bonding more than \$100 million per year for grants and reduced-rate loans to promote affordable housing development. The funding for all of those programs has disappeared or been radically reduced, and the two incentive programs have been dormant for years. The act is most effective when it is used in conjunction with state programming that encourages towns to act voluntarily, such as the recently created HOME Connecticut program.

**Myth:** The only people who use the act are for-profit developers.

**Fact:** The act is available to both non-profit and for-profit developers. The first case under 8-30g to reach the Supreme Court was brought by a local interfaith non-profit in West Hartford. The reduction in the 1990's of the state's financial commitment to affordable housing has been the principal factor which has limited more active application by the non-profit community.

**Myth:** Developers who take appeals under the act always win.

**Fact:** Taking an appeal is far from an automatic win for an applicant. Towns have won almost one-third of appeals. The record is clear that, when a town shows strong

reasons for a denial, it usually wins the appeal.

**Myth:** The act unfairly counts only government-assisted and deed-restricted units as affordable.

**Fact:** The 10% count of units to determine exemption from the act does not purport to be a count of all housing units in the town that are "affordable." It is a count of government-assisted and deed-restricted units. In virtually every town, 10% of the housing is affordable in the lay sense of the word. Apart from practical problems in determining the affordability of market-rate units (affordability determinations require information as to both the cost of the housing and the income of the occupants), the inclusion of market-rate units would require a substantially different percentage to be used for the exemption – probably in the 80% range. The fact is that the 10% exemption reasonably identifies those towns in which application of the act is unnecessary. There are now 31 towns which are exempt from the act.

**Myth:** The act does not recognize accessory apartments.

**Fact:** The act recognizes all government-assisted and deed-restricted units. Accessory apartments subject to ten-year deed restrictions are counted toward the 10% exemption. It is important to recognize, however, that accessory apartments with short-term deed restrictions (unlike the 40-year deed restrictions required of developers under the act) may well not provide any true affordable housing at all, because many of them are not offered for rent on the housing market. It may be very helpful to a family to have a small accessory unit for a family member who might otherwise simply live in the house; but, unless the unit is advertised and made available generally to the public, it has a minimal impact on a town's housing market.

**Myth:** The act allows developers to use the threat of the act to get other concessions from zoning commissions.

**Fact:** The 2000 amendments have converted such threats to little more than posturing. The enhanced affordability requirements established in 2000, which now require a significant internal subsidy between the market-rate and the deed-restricted units, have the practical effect of limiting the profitability of an 8-30g development. Developers who are not serious about producing affordable housing are not likely to find its development sufficiently attractive financially. A town which thinks it is being leveraged should simply tell the developer to build affordable housing and not allow the threat of affordable housing (which is a benefit to the town, not a harm) to lead the town to approve some other kind of development which it does not want.

**Myth:** Zoning arises from a town's home rule powers.

**Fact:** The court cases are clear that all zoning power is vested in the state, not in the towns. Zoning is delegated to towns under strict limitations, many of which are contained in the Zoning Enabling Act (Section 8-2 of the General Statutes). For example, under Section 8-2, zoning ordinances are required to promote economic diversity in housing, including housing for both moderate and low income households, are required to encourage opportunities for multi-family dwellings, and are required to encourage such opportunities for residents of the region in which the town is located and not merely for residents of the town. Even before the Affordable Housing Appeals Procedure was adopted, the Connecticut Supreme Court had ruled

that it is illegal for towns to use their zoning powers to exclude low-cost housing. Section 8-30g is one mechanism for implementing the mandatory requirements of zoning contained in Section 8-2 but often ignored by the towns.

– Prepared by Raphael L. Podolsky

## **Mandatory affordability of 8-30g deed-restricted units -- 2009**

-- Prepared by Raphael L. Podolsky, Feb. 17, 2009

### **Maximum 8-30g monthly apartment rent (including heat and utilities)**

	<u>60% (15% of units)</u>		<u>80% (15% of units)</u>	
	<u>2-BR</u>	<u>3-BR</u>	<u>2-BR</u>	<u>3-BR</u>
Waterbury	\$ 860	\$ 994	\$1073	\$1284
New London-Norwich	\$ 961	\$1176	\$1153	\$1411
New Haven-Meriden	\$1057	\$1221	\$1409	\$1579
Hartford	\$1021	\$1226	\$1225	\$1471
Bridgeport	\$1095	\$1265	\$1457	\$1687
Danbury	\$1108	\$1281	\$1478	\$1708
Stanford-Norwalk	\$1108	\$1281	\$1478	\$1708

### **Estimated maximum 8-30g sales price for ownership units<sup>1</sup>**

	<u>60% (15% of units)</u>		<u>80% (15% of units)</u>	
	<u>2-BR</u>	<u>3-BR</u>	<u>2-BR</u>	<u>3-BR</u>
Waterbury	\$ 81,720	\$ 98,617	\$135,578	\$150,301
New London-Norwich	\$116,470	\$128,220	\$181,910	\$203,840
New Haven-Meriden	\$118,753	\$130,858	\$184,954	\$207,358
Hartford	\$125,855	\$139,065	\$194,424	\$218,300
Bridgeport	\$125,855	\$139,065	\$194,424	\$218,300
Danbury	\$128,391	\$141,996	\$197,806	\$222,208
Stanford-Norwalk	\$128,391	\$141,996	\$197,806	\$222,208

### **Median single-family home sales prices (including condos) for selected towns**

*Source: The Warren Group (www.thewarrengroup.com) -- January-December 2008*

Greenwich	\$1,450,000	Easton	\$ 755,000	Trumbull	\$ 392,500
New Canaan	\$1,400,000	Ridgefield	\$ 661,500	Orange	\$ 385,000
Darien	\$1,168,750	Fairfield	\$ 563,500	Avon	\$ 385,000
Weston	\$ 899,950	Woodbridge	\$ 459,750	Guilford	\$ 360,000
Wilton	\$ 810,000	Madison	\$ 425,000		

### **Median income by region (lower of area or statewide median for family of four)**

	<u>60%</u>	<u>80%</u>	<u>100%</u>
Waterbury	\$38,220	\$50,960	\$ 63,700
New London-Norwich	\$46,440	\$61,920	\$ 77,400
New Haven-Meriden	\$46,980	\$62,640	\$ 78,300
Hartford	\$48,660	\$64,880	\$ 81,100
Bridgeport	\$48,660	\$64,880	\$ 81,100
Statewide	\$49,260	\$65,680	\$ 82,100
Danbury	\$49,260	\$65,680	\$104,500
Stamford-Norwalk	\$49,260	\$65,680	\$117,800

<sup>1</sup>The estimated sales price assumes a 20% downpayment; a 30-year 7% mortgage; and taxes, insurance, heat, and utility costs of \$425 per month for a 2-bedroom unit and \$525 per month for a three-bedroom unit. If the interest rate, taxes, or insurance is higher, or if the downpayment is lower, the maximum sales price will be lower.

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## A Brief Summary of the Affordable Housing Appeals Procedure February 17, 2009

### What is the Affordable Housing Appeals Procedure?

It is an anti-exclusionary zoning statute designed to promote the construction of low- and moderate-income housing in suburban and outlying towns. It is sometimes referred to as the "Affordable Housing Land Use Appeals Act" and is also known by its statutory citation of Section 8-30g. It was adopted in 1989 upon the recommendation of the Blue Ribbon Commission on Housing and was revised in 2000 in accordance with the recommendations of a second study commission, known as the Blue Ribbon Commission on Affordable Housing. The act is a "builder's remedy," in that it ordinarily comes into play only when someone proposes to build a specific housing development and the local zoning or planning commission either rejects the application or imposes conditions which make the deed-restricted units uneconomic.

### How does the act change zoning law?

It operates by changing the burden of proof on a zoning appeal, if the housing proposed to be built satisfies the affordability standards of the act. In general, the burden is an appeal from a zoning or planning commission is on the applicant to show that the commission has acted illegally or arbitrarily. In cases to which the Affordable Housing Appeals Procedure applies, the burden of proof is shifted to the commission to show four things:

- That the commission's decision is supported by sufficient evidence in the record;
- That the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider;
- That those public interests clearly outweigh the need for affordable housing, and
- That those public interests cannot be protected by reasonable changes to the proposed development.

If the commission offers such changes, the act permits the developer to submit a revised plan responding to those changes.

It thus follows from the act that the mere fact that the proposal fails to comply with the zone is not a sufficient basis to sustain a denial under the act. Otherwise a town could simply use density limits in its zoning ordinances to exclude entirely or to limit the ability to create low-cost housing in the town. The act instead requires the commission to show why the public interests which underlie the zone clearly outweigh the need for affordable housing.

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### To what towns does the act apply?

The act excludes towns in which an exceptionally large percentage of the dwelling units are either government-assisted or deed-restricted. The percentage used is 10% of the town's dwelling units, a percentage which was taken from a similar Massachusetts law. The practical effect is to exclude from the act approximately 30 towns which are most heavily impacted by government-assisted housing. The 10% threshold is neither a goal nor a mandate -- it simply determines which towns are subject to the act and which are not. The Department of Economic and Community Development prepares the exempt list annually. The most recent list exempts 31 towns. In addition, since 2000 the act has had a provision by which non-exempt towns in which a substantial amount of qualifying housing has been built in recent years can obtain a four-year moratorium from application of the act. The moratorium formula gives extra weight to rental housing and to housing targeted to families with relatively lower incomes (e.g., under 60% of median income rather than under 80% of median income). At present, Trumbull and Berlin both have moratoriums.

### Who is eligible to use the act?

The act may be used by either non-profit developers or for-profit developers. The proposed development must be either "assisted housing" or a "set-aside development." "Assisted housing" is a development that is built using state, federal, or local governmental assistance. Most developments built by non-profit developers are assisted housing. Developments may also use federal low-income tax credits, the CHFA housing tax credit program, or other governmental assistance programs which are open to for-profit developers. A "set-aside development" is one in which a certain percentage of the units is deed-restricted to assure their affordability. Because no governmental assistance is involved, the market rate units must be priced so as to provide an internal subsidy to the deed-restricted units. Since the act was first adopted, the affordability requirements have been tightened. At present, for a proposed development to meet the act's deed restriction requirements, the following conditions must be met:

- At least 15% of the units must be restricted to households with incomes below 60% of state median income (or area median income, if that is lower).
- An additional 15% of the units must be restricted to households with incomes below 80% of state median income (or area median income, if that is lower). In other words, at least 30% of the units in the development must be deed-restricted.
- The restrictions must last for at least 40 years.

The deed-restricted units must be priced so that the total housing cost for the occupants, including utilities, will not exceed 30% of the income reflected in the appropriate category. If the deed-restricted units are rental units, their price may also not exceed 100% of the Section 8 fair market rent (for 60% units) or 120% of the Section 8 fair market rent (for 80% units).



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### **Summary of major changes made to Affordable Housing Appeals**

#### **Procedure by P.A. 00-206**

February 17, 2009

In 1999, the General Assembly created a broad-based Blue Ribbon Commission on Affordable Housing, which reviewed the Affordable Housing Appeals Procedure (C.G.S. 8-30g) and presented a package of recommendations to the General Assembly, most of which were adopted as part of P.A. 00-206. They resulted in significant changes in the act that were supported both by housing advocates and by municipalities. The three major changes were:

- **Greater affordability of deed-restricted units:** P.A. 00-206 significantly tightened the affordability standards which a developer must meet to use C.G.S. 8-30g. This was win-win, because it reduces the number of C.G.S. 8-30g applications but assures that the ones which are submitted will provide housing of greater affordability. In particular, the act:
  - Raised the percentage of units which must be deed-restricted from 25% to 30% of all units.
  - Raised the proportion of the deed-restricted units which must be for households with incomes below 60% of median from 10% of all units to 15% of all units, i.e., to half of the deed-restricted units. The remaining deed-restricted units must serve households below 80% of median income.
  - Increased the duration of the affordability restrictions from 30 years to 40 years.
  - Restricted maximum rents for below-60% units to 100% of the Section 8 fair market rents (FMRs) and for below-80% units to 120% of the Section 8 FMRs. This results in significant lowering of maximum rents in most of the state, as compared with the pre-2000 statute.
  - Restricted maximum sales prices for deed-restricted ownership units by requiring DECD to set a maximum down payment (DECD set that maximum at 20% of the purchase price).
- **Greater information to the towns:** P.A. 00-206 allowed towns to require more information from developers in the application process. In particular, it required the developer to provide a detailed affordability plan, including draft zoning regulations, deed restrictions, marketing plans, construction sequences, etc. It required the developer to designate an entity to enforce the affordability restrictions. It allowed towns to require a conceptual site plan. It clarified the town's authority to use its zoning enforcement powers to assure that an affordability plan is complied with.

- Moratorium on applications: P.A. 00-206 allowed towns in which a substantial amount of qualifying affordable housing is built to receive a three-year (subsequently amended to four-year) moratorium from applications under the act. A moratorium requires "housing equivalent-points" equal to 2% of the town's housing stock since the effective date of C.G.S. 8-30g in 1990. Cumulative bonus points are given for rental housing (an extra half point) and for units targeted to below-60% households (an extra half point), so the number of affordable units produced can equal less than 2% of the town's units. Fractional bonus points are given for the market-rate units in an affordable housing development. Because a moratorium is attainable, the act encourages towns to be proactive and to seek affordable housing development which maximizes the number of points received, as has in fact been done in Trumbull. At present, Trumbull and Berlin both have moratoriums.

— Prepared by Raphael L. Podolsky

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### **Summary of moratorium provisions of C.G.S. 8-30g**

February 17, 2009

The four-year moratorium is designed to encourage towns subject to C.G.S. 8-30g to promote the development of new rental housing for families and to target that housing to households with incomes below 60% of median. It is equally available to all towns in which fewer than 10% of the housing units are government-subsidized or deed-restricted, including towns which are well below the 10% level.

#### **How many housing units are required for a moratorium ?**

A four-year moratorium on applications under C.G.S. 8-30g is available when newly constructed or newly deed-restricted units generate "housing equivalent unit points" equal to 2% of the town's housing stock (but not less than 75 such points). Any such units created after July 1, 1990 (when 8-30g became effective) may be counted. Eligible units must be restricted to households with incomes below 80% of median income. Each such non-elderly dwelling unit counts as one "point," except that the value of a dwelling unit is increased by an additional half point if:

- \* The unit is rental rather than ownership, or
- \* The unit is restricted to households below 60% of median income, or
- \* The unit is restricted to households below 40% of median income.

These extra half-points are cumulative. For example, a non-elderly rental unit counts as 2 unit points if restricted to a household below 60% of median income and 2.5 unit points if restricted to a household below 40% of median income. Units for elderly persons count as half a point. Market rate units in an 8-30g development count as one-fourth of a point. Thus, a 50-unit government-assisted family rental development for households below 60% of median income will count as 100 points. A 50-unit complex under 8-30g in which 30% of the units are deed-restricted in accordance with 8-30g will count as 70 points if rental and 55 points if ownership.

A moratorium does not apply to assisted-housing developments containing 40 or fewer units or in which 95% or more of the units are for households below 60% of median income.

#### **Can a moratorium be renewed ?**

If, during the course of a moratorium, a town generates sufficient additional housing equivalent points to qualify for a moratorium (2% of the housing stock but not less than 75 points), the moratorium will be extended for an additional four years. Qualifying units in the pipeline but not yet completed at the time of the first moratorium and qualifying units built or deed-restricted during the first moratorium may be counted toward a second moratorium.

Excerpts from

# **Connecticut Zoning Enabling Act**

Connecticut General Statutes Section 8-2  
Current through January 1, 2009

Such regulations<sup>1</sup> shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t<sup>2</sup> and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26.

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<sup>1</sup>Municipal zoning regulations.

<sup>2</sup>The State Five-Year Housing Plan.

Based on the 2008 Affordable Housing Appeals List, 31 communities are exempt from the Affordable Housing Land Use Appeals Procedure under C.G.S. Section 8-30g. In addition, as a convenience, DECD also makes available a list of those towns that do not have 10% of their housing designated affordable and thus are not exempt from the Affordable Housing Appeals Procedure.

2008 Affordable Housing Appeals List - Exempt Municipalities							
	Town	2000 Census Housing Units	Governmentally Assisted Units	CHFA Mortgages	Deed Restricted Units	Total Assisted Units	Percent
1	Ansonia	7,937	1,033	105	9	1,147	14.45%
2	Bloomfield	8,195	697	255	0	952	11.62%
3	Bridgeport	54,367	8,587	886	11	9,484	17.44%
4	Bristol	26,125	2,498	1,034	0	3,532	13.52%
5	Brooklyn	2,708	228	57	0	285	10.52%
6	Danbury	28,519	2,463	278	195	2,936	10.29%
7	Derby	5,568	526	61	0	587	10.54%
8	East Hartford	21,273	2,495	829	0	3,324	15.63%
9	East Windsor	4,356	599	95	14	708	16.25%
10	Enfield	17,043	1,573	513	7	2,093	12.28%
11	Groton	16,817	3,306	310	9	3,625	21.56%
12	Hartford	50,644	16,075	1,439	0	17,514	34.58%
13	Killingly	6,909	525	238	0	763	11.04%
14	Manchester	24,256	2,767	864	39	3,670	15.13%
15	Mansfield	5,481	556	86	0	642	11.71%
16	Meriden	24,631	2,563	1,034	4	3,601	14.62%
17	Middletown	19,697	2,801	605	0	3,406	17.29%
18	New Britain	31,164	4,290	1,165	3	5,458	17.51%
19	New Haven	52,941	12,853	1,096	495	14,444	27.28%
20	New London	11,560	1,991	385	31	2,407	20.82%
21	Norwalk	33,753	3,012	245	561	3,818	11.31%
22	Norwich	16,600	2,802	497	0	3,299	19.87%
23	Plainfield	5,676	570	260	0	830	14.62%
24	Putnam	3,955	448	106	0	554	14.01%
25	Stamford	47,317	5,288	284	1,229	6,801	14.37%
26	Torrington	16,147	1,123	637	17	1,777	11.01%
27	Vernon	12,867	1,626	361	0	1,987	15.44%
28	Waterbury	46,827	7,292	2,419	431	10,142	21.66%
29	West Haven	22,336	2,244	399	0	2,643	11.83%
30	Winchester	4,922	461	132	0	593	12.05%
31	Windham	8,926	2,044	429	0	2,473	27.71%
<b>Total Exempt Municipalities</b>		<b>639,517</b>	<b>95,336</b>	<b>17,104</b>	<b>3,055</b>	<b>115,495</b>	

Source: DECD, OHD&F

2008 Affordable Housing Appeals List - Non-Exempt Municipalities						
Town	2000 Census Housing Units	Governmentally Assisted <sup>1</sup> Units	CHFA Mortgages	Deed Restricted Units	Total Assisted Units	Percent
Andover	1,198	26	22	0	48	4.01%
Ashford	1,699	35	38	0	73	4.30%
Avon	6,480	141	26	0	167	2.58%
Barkhamsted	1,436	0	12	0	12	0.84%
Beacon Falls	2,104	5	26	0	31	1.47%
Berlin	6,955	407	81	6	494	7.10%
Bethany	1,792	0	3	0	3	0.17%
Bethel	6,653	218	54	62	334	5.02%
Bethlehem	1,388	24	0	0	24	1.73%
Bolton	1,969	0	14	0	14	0.71%
Bozrah	917	5	15	0	20	2.18%
Branford	13,342	255	179	0	434	3.25%
Bridgewater	779	0	1	0	1	0.13%
Brookfield	5,781	38	37	24	99	1.71%
Burlington	2,901	27	23	0	50	1.72%
Canaan	610	25	8	1	34	5.57%
Canterbury	1,762	77	23	0	100	5.68%
Canton	3,616	228	53	32	313	8.66%
Chaplin	897	1	21	0	22	2.45%
Cheshire	9,588	239	86	17	342	3.57%
Chester	1,613	26	7	0	33	2.05%
Clinton	5,757	88	37	0	125	2.17%
Colchester	5,409	356	83	0	439	8.12%
Colebrook	656	0	6	0	6	0.91%
Columbia	1,988	28	39	0	67	3.37%
Cornwall	873	18	0	0	18	2.06%
Coventry	4,486	109	126	20	255	5.68%
Cromwell	5,365	214	217	0	431	8.03%
Darien	6,792	90	1	32	123	1.81%
Deep River	1,910	30	17	0	47	2.46%
Durham	2,349	34	9	0	43	1.83%
East Granby	1,903	75	31	0	106	5.57%
East Haddam	4,015	73	22	1	96	2.39%
East Hampton	4,412	76	77	16	169	3.83%
East Haven	11,698	521	310	0	831	7.10%
East Lyme	7,459	298	92	0	390	5.23%
Eastford	705	0	13	0	13	1.84%
Easton	2,511	0	0	10	10	0.40%
Ellington	5,417	265	81	0	346	6.39%
Essex	2,977	37	5	0	42	1.41%
Fairfield	21,029	276	28	110	414	1.97%
Farmington	9,854	469	126	143	738	7.49%
Franklin	711	1	14	0	15	2.11%
Glastonbury	12,614	609	130	0	739	5.86%
Goshen	1,482	1	5	0	6	0.40%

2008 Affordable Housing Appeals List - Non-Exempt Municipalities (continued)						
Town	2000 Census Housing Units	Governmentally Assisted Units	CHFA Mortgages	Deed Restricted Units	Total Assisted Units	Percent
Granby	3,887	87	31	5	123	3.16%
Greenwich	24,511	1173	3	54	1,230	5.02%
Griswold	4,530	178	141	0	319	7.04%
Guilford	8,724	169	31	0	200	2.29%
Haddam	2,822	23	13	0	36	1.28%
Hamden	23,464	1519	429	4	1,952	8.32%
Hampton	695	0	18	0	18	2.59%
Hartland	759	2	3	0	5	0.66%
Harwinton	2,022	23	20	0	43	2.13%
Hebron	3,110	60	25	0	85	2.73%
Kent	1,463	25	3	24	52	3.55%
Killingworth	2,283	0	4	5	9	0.39%
Lebanon	2,820	31	42	0	73	2.59%
Ledyard	5,486	39	142	4	185	3.37%
Lisbon	1,563	5	34	0	39	2.50%
Litchfield	3,629	142	15	29	186	5.13%
Lyme	989	1	0	6	7	0.71%
Madison	7,386	91	4	27	122	1.65%
Marlborough	2,057	24	16	0	40	1.94%
Middlebury	2,494	77	10	8	95	3.81%
Middlefield	1,740	30	15	0	45	2.59%
Milford	21,962	1015	226	107	1,348	6.14%
Monroe	6,601	31	18	0	49	0.74%
Montville	6,805	106	161	0	267	3.92%
Morris	1,181	21	0	0	21	1.78%
Naugatuck	12,341	805	324	0	1,129	9.15%
New Canaan	7,141	145	2	31	178	2.49%
New Fairfield	5,148	0	21	13	34	0.66%
New Hartford	2,369	22	43	15	80	3.38%
New Milford	10,710	143	95	0	238	2.22%
Newington	12,264	488	411	36	935	7.62%
Newtown	8,601	142	13	15	170	1.98%
Norfolk	871	11	2	0	13	1.49%
North Branford	5,246	66	62	0	128	2.44%
North Canaan	1,444	106	6	0	112	7.76%
North Haven	8,773	350	76	1	427	4.87%
North Stonington	2,052	1	9	0	10	0.49%
Old Lyme	4,570	63	5	3	71	1.55%
Old Saybrook	5,357	51	13	0	64	1.19%
Orange	4,870	45	9	0	54	1.11%
Oxford	3,420	35	12	0	47	1.37%
Plainville	7,707	245	317	32	594	7.71%
Plymouth	4,646	184	153	0	337	7.25%
Pomfret	1,503	108	13	0	121	8.05%
Portland	3,528	265	36	0	301	8.53%

2008 Affordable Housing Appeals List - Non-Exempt Municipalities (continued)						
Town	2000 Census Housing Units	Governmentally Assisted Units	CHFA Mortgages	Deed Restricted Units	Total Assisted Units	Percent
Preston	1,901	43	30	0	73	3.84%
Prospect	3,094	3	17	0	20	0.65%
Redding	3,086	0	0	0	0	0.00%
Ridgefield	8,877	168	9	5	182	2.05%
Rocky Hill	7,962	248	187	0	435	5.46%
Roxbury	1,018	19	0	0	19	1.87%
Salem	1,655	1	21	0	22	1.33%
Salisbury	2,410	16	3	8	27	1.12%
Scotland	577	0	9	0	9	1.56%
Seymour	6,356	283	82	0	365	5.74%
Sharon	1,617	21	4	0	25	1.55%
Shelton	14,707	271	78	82	431	2.93%
Sherman	1,606	0	1	0	1	0.06%
Simsbury	8,739	247	60	0	307	3.51%
Somers	3,012	57	14	0	71	2.36%
South Windsor	9,071	384	257	0	641	7.07%
Southbury	7,799	88	14	0	102	1.31%
Southington	15,557	650	291	51	992	6.38%
Sprague	1,164	48	24	0	72	6.19%
Stafford	4,616	188	138	0	326	7.06%
Sterling	1,193	3	24	0	27	2.26%
Stonington	8,591	335	54	0	389	4.53%
Stratford	20,596	838	252	33	1,123	5.45%
Suffield	4,853	215	50	15	280	5.77%
Thomaston	3,014	98	100	0	198	6.57%
Thompson	3,710	165	43	0	208	5.61%
Tolland	4,665	93	69	3	165	3.54%
Trumbull	12,160	308	33	241	582	4.79%
Union	332	4	4	0	8	2.41%
Voluntown	1,091	21	24	0	45	4.12%
Wallingford	17,306	610	329	35	974	5.63%
Warren	650	0	3	0	3	0.46%
Washington	1,764	14	1	23	38	2.15%
Waterford	7,986	131	177	0	308	3.86%
Watertown	8,298	225	135	0	360	4.34%
West Hartford	25,332	1228	341	230	1,799	7.10%
Westbrook	3,460	143	11	24	178	5.14%
Weston	3,532	1	0	0	1	0.03%
Westport	10,065	212	4	3	219	2.18%
Wethersfield	11,454	728	232	0	960	8.38%
Willington	2,429	163	32	0	195	8.03%
Wilton	6,113	89	5	69	163	2.67%
Windsor	10,900	400	339	0	739	6.78%
Windsor Locks	5,101	271	177	0	448	8.78%
Wolcott	5,544	311	131	0	442	7.97%



<b>2008 Affordable Housing Appeals List - Non-Exempt Municipalities (continued)</b>						
<b>Town</b>	<b>2000 Census Housing Units</b>	<b>Governmentally Assisted Units</b>	<b>CHFA Mortgages</b>	<b>Deed Restricted Units</b>	<b>Total Assisted Units</b>	<b>Percent</b>
Woodbridge	3,189	35	4	0	39	1.22%
Woodbury	3,869	61	19	0	80	2.07%
Woodstock	3,044	27	33	0	60	1.97%
<b>Total Non-Exempt Municipalities</b>	<b>746,461</b>	<b>118,392</b>	<b>26,193</b>	<b>4,770</b>	<b>149,355</b>	

Source: DECD, OHD&F

<b>2008 Affordable Housing Appeals List: Summary</b>					
<b>Municipalities</b>	<b>2000 Census Housing Units</b>	<b>Governmentally Assisted Units</b>	<b>CHFA Mortgages</b>	<b>Deed Restricted Units</b>	<b>Total Assisted Units</b>
Exempt	639,517	95,336	17,104	3,055	115,495
Non-Exempt	746,461	23,056	9,089	1,715	33,860
<b>Total</b>	<b>1,385,978</b>	<b>118,392</b>	<b>26,193</b>	<b>4,770</b>	<b>149,355</b>

Source: DECD, OHD&F

For more information on the Affordable Housing Land Use Procedure, see DECD 2007-2008 Annual Report, page 70-73 and in Appendix 13. Click [DECD 2007-2008 Annual Report](#) to view the Agency Annual Report.

<sup>1</sup> Includes both federal and state funded units.